

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

JUL 5 2005

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Case No. 5500
Date Filed 6/28/05
Hearing Date _____
Receipt _____
Fee \$50

Type of Application

- ____ Administrative Decision/Interpretation
____ Special Exception
____ Use Variance
____ Change/Extension of Non-Conforming Use
____ Minor Area Variance
____ Area Variance
____ Variance from Requirements of the Code
____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5500 MAP 48 TYPE Variance

ELECTION DISTRICT 03 **LOCATION** 1223 Eugenia Way, Bel Air

BY Brian and Joyce Wisniewski

Appealed because a variance pursuant to Sec. 267-36B, Table V of the Harford County Code to allow an addition to maintain a 36' rear yard setback (40' required) in the R2 district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Brian & Joyce Wisniewski Phone Number 410893-1167
Address 1223 Eugenia Way Bel Air MD 21014
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1223 Eugenia Way Bel Air, MD 21014

Subdivision VALEWOOD ESTATES Lot Number 80

Acreage/Lot Size .258 Election District 03 Zoning R2

Tax Map No. 48 Grid No. 1D Parcel 227 Water/Sewer: Private _____ Public _____

List ALL structures on property and current use: House

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number n/a

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ✓

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ✓

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ✓

Request

We are requesting a Variance to encroach
the set back line by 4 feet 4 inches

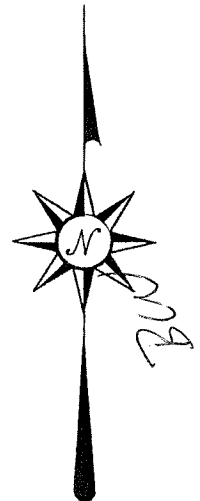
Justification

Our house is on a corner lot. The builder didn't use
the set back line from Alexandria Way (see Exhibit A)
therefore, we can't build a 2nd car garage and extend
our Family Room by 10 feet to the right of our home (see Exhibit)
We are requesting this variance so we can extend our Family
Room to the rear of the house instead.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A
TITLE REPORT AND/OR ABSTRACT.

NORTH PER PLAT C.G.H. 58-73



FINAL PLAT
SECTION ONE - PLAT 4
VALEWOOD ESTATES
PLAT REF: C.G.H. 58-73

(81)

REBAR &
CAP SET

"DEC" REBAR & CAP
FOUND S 68°31'17" E
3.24' FROM CORNER

FINAL PLAT
SECTION ONE - PLAT 4
VALEWOOD ESTATES
PLAT REF: C.G.H. 58-73

(79)

(80)
11,236 Sq.Ft.
0.258 AC±

MINIMUM

"DEC" REBAR
& CAP FOUND

CONC. WALK
PLANTER

EX. PAVING

ALEXANDRIA WAY

2 STORY ALUM.
SIDED DWELLING

BUILDING

COV. CONC.
PORCH

"DEC" REBAR
& CAP FOUND

#1223

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

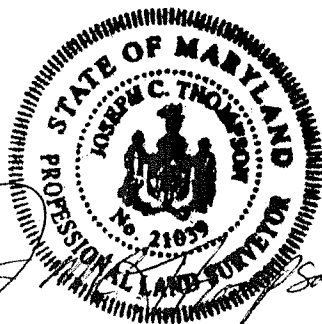
"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND

"DEC" REBAR
& CAP FOUND



5-27-2005

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



ANTHONY S. McCLUNE
ACTING DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 3, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5500

APPLICANT/OWNER: Brian and Joyce Wisniewski
1223 Eugenia Way, Bel Air, Maryland 21014

REPRESENTATIVE: Applicant

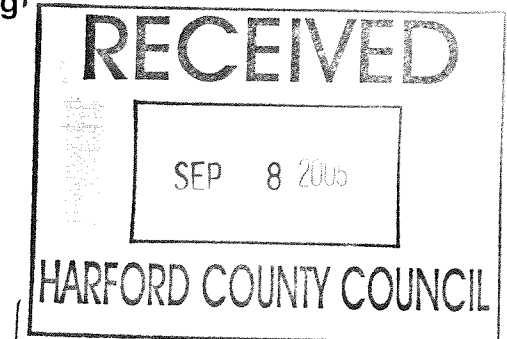
LOCATION: 1223 Eugenia Way-Valewood Estates
Tax Map: 48 / Grid: 1D / Parcel: 227 / Lot: 80
Election District: Third (3)

ACREAGE: 0.258 of an acre

ZONING: R2/Urban Residential District

DATE FILED: June 28, 2005

HEARING DATE: September 21, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We are requesting a variance to encroach the setback line by 4-feet 4-inches."

Justification:

"Our house is on a corner lot. The builder didn't use the setback line from Alexandria Way (see exhibit A) therefore, we can't build a 2nd car garage and extend our family room by 10-feet to the

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5500

Brian and Joyce Wisniewski

Page 2 of 4

right of our home (see exhibit B). We are requesting this variance so we can extend our family room to the rear of the house instead.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition to maintain a 36-foot rear yard setback (40-feet required) in the R2/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant’s property is located in the Valewood Estates subdivision situated west of Bel Air and to the southeast of Vale Road. The property is a corner lot with frontage on the northwest corner of Alexandria Way and Eugenia Way. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The land use designations in the area include low and medium Intensities. There are areas of Rural Residential to the west. The Natural Features map shows Sensitive Species Project Review Areas and stream buffers. The subject property is designated as Low Intensity, which is defined by the 2004 Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. The predominant land use within this portion of the Development Envelope is residential. Residential uses in this area are primarily single-family residences. To the east there are garden apartments, townhouses and condominiums. Commercial uses are generally found within the Town of Bel Air and along MD Route 24. The topography of the area ranges from gently rolling to steep, especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

STAFF REPORT

Board of Appeals Case Number 5500

Brian and Joyce Wisniewski

Page 3 of 4

The Applicant's property is a corner lot and basically square in shape. The lot has frontage on Alexandria Way and Eugenia Way and is approximately 0.258 of an acre in size. The topography of the lot is gently sloping. Improvements consist of a 2-story dwelling facing Eugenia Way with an attached 1-car garage. Other improvements consist of a concrete driveway, an attached deck across the rear of the dwelling that ties into a room extension, a hot tub on the deck and a shed situated in the right rear corner of the lot. The area considered and used as the rear yard is fenced. The rear yard is almost fully screened on 3-sides by large mature evergreen trees and mature shrubbery. The front yard and areas outside of the fence also contain large mature trees. Given the existing screening around the rear yard and the location of the proposed addition, the proposal should not impact the adjoining properties. Enclosed with the report are copies of site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning is generally located to the north along Route 24, and within the town limits of Bel Air. The subject property is zoned R2/Urban Residential district as shown on the enclosed copy of the Zoning Map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition to maintain a 36-foot rear yard setback (40-feet required) in the R2/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The lot is a corner lot with a limited development envelope due to the required 35-foot front yard setbacks from each road. The dwelling was located to the minimum right side yard setback as you face the dwelling from Eugenia Way. The Applicants are requesting to extend the existing family room 10 feet into the rear yard and 24-feet wide. The remaining portion of the existing deck will provide access to the hot tub from the family room. The proposed addition will reduce the setback to 36-feet. Given the topography of the lot and the existing screening, the 4-foot reduction in setback would not be noticeable without actually measuring the distance. The proposed room size is a reasonable request as compared to other additions in the neighborhood.

STAFF REPORT

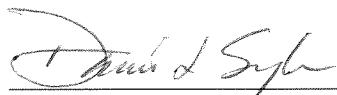
Board of Appeals Case Number 5500

Brian and Joyce Wisniewski

Page 4 of 4

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections for the addition.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf